

**ZONING BOARD OF ADJUSTMENT MEETING
OCTOBER 17, 2018**

The caucus meeting began at 7:00 P.M. and the meeting began at 7:30 P.M.

Members present were:

John Pierantozzi
David Catalana
Ryan Feaster
Lydia Johnson
Joseph Stefano
Gena Pacitto
George LoBiondo

Members absent were: Elaine Greenberg, Susanna Philippoussis, Alexis Cartagena, Ryan Flaim

Others Present were:

Frank DiDomenico, Solicitor
Yasmin Ricketts, Zoning Board Secretary
Patrick Finley, Zoning Officer
Ryan Headley, City Planner/Principal Engineer

The Chairman entertained a motion to approve the minutes from the September 19, 2018 meeting.

Roll call:

Mr. Feaster: Abstain
Ms. Pacitto: Yes
Mr. Catalana: Abstain
Ms. Johnson: Yes
Mr. Pierantozzi: Yes
Mr. Stefano: Yes
Mr. LoBiondo: Yes

The Chairman entertained a motion to approve the resolutions from the September 19, 2018 meeting.

Roll call:

Mr. Feaster: Abstain
Ms. Pacitto: Yes
Mr. Catalana: Abstain
Ms. Johnson: Yes
Mr. Pierantozzi: Yes
Mr. Stefano: Yes
Mr. LoBiondo: Yes

Mr. DiDomenico went over the revisions to the agenda.

Applicant- **Richard Barsuglia & Carol Federici**, 650 W. Garden Road, Block 801, Lot 26, Zone R-4, construct a 576 square foot pole barn for storage located forward of the existing single family dwelling.

Mr. Barsuglia testified on his own behalf. He is requesting a 24' by 24' pole barn for the storage of personal items. A variance is required for the location of the structure in the front yard. They are requesting for it to be installed in front yard because they are trying to save certain large trees that are meaningful to them. The pole barn will be located 140' from the roadway and will be shielded by trees.

Mr. Finley indicated that the front yard setback in the zone is 40' and the pole barn will be 140' from the roadway. It will also be shielded by the trees.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Feaster: Yes

Mr. Stefano: Yes

Ms. Johnson: Yes

Ms. Pacitto: Yes

Mr. Catalana: Yes

Mr. Pierantozzi: Yes

Mr. LoBiondo: Yes

Mr. Stefano made a motion to approve the use application.

Roll call:

Mr. Feaster: Yes

Mr. Stefano: Yes

Ms. Johnson: Yes

Ms. Pacitto: Yes

Mr. Catalana: Yes

Mr. Pierantozzi: Yes

Mr. LoBiondo: Yes

Application granted.

Applicant- **Carol A. Ricci** – 4830 Ascher Road, Block 7401, Lot 65, Zone W-6, construct a single family dwelling with a variance for front yard setback.

The applicant was represented by Stephen D. Barse, Esq. The single family dwelling will be on a corner lot and the lot is an irregular shape. The lot is approximately 1.21 acres and the W-6 zone requires a minimum of 5.7 acres. There is a front yard setback from Cornucopia Avenue of 23' whereas 60' is required. Front yard setback from the centerline of Cornucopia Avenue of 66' whereas 100' is required. Impervious lot coverage of 10.1% whereas a maximum of 10% is required.

Mr. Headley wanted to know if the applicant has considered “flipping” the location of the house to fit the building envelope.

Ms. Carol Ricci explained that the master bedroom is on the same side as the garage. She would like the proposed location for privacy.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Stefano: Yes

Ms. Johnson: Yes
Ms. Pacitto: Yes
Mr. Catalana: Yes
Mr. Pierantozzi: Yes
Mr. Feaster: Yes
Mr. LoBiondo: Yes

Ms. Johnson made a motion to approve the application.

Roll call:

Ms. Johnson: Yes
Ms. Pacitto: Yes
Mr. Catalana: Yes
Mr. Pierantozzi: Yes
Mr. Feaster: Yes
Mr. Stefano: Yes
Mr. LoBiondo: Yes

Application granted.

Applicant- **Genesis Morcelo**- 339 W. Elmer Street, Block 3807, Lot 11, Zone R, certification of Non-Conforming Use for a two family dwelling.

Mr. Genesis Morcelo testified on his own behalf. His daughter Jailene Morcelo translated. He purchased the property on May 29, 2018 as a duplex in a foreclosure. When he tried to register property as a duplex, he received a denial. Tax records indicating that the dwelling was a duplex were attached to the application. In August 2017, there were two tenants occupying the duplex. The second floor is a one bedroom apartment. There is an attic to the third floor attic but it will not be occupied by the tenant. The first floor is a two bedroom apartment.

Mr. Finley indicated that the tax records show that the building was constructed in 1915 and is currently listed as a duplex. Duplexes are permitted in the R-zone. Prior to that they were permitted in the R-1 zone. The current ordinance requires 15,000 square feet for a duplex. The issue is the size of the lot.

Mr. Headly explained that there is a sideyard setback variance of 5.22' whereas 10' is required. There is also a variance for the accessory garage which has a setback of 4' whereas 6' is required.

Mr. Morcello agreed to add more green space and allow the tenants to park in the garage. This will satisfy parking requirements. He will also remove the steps to the third floor attic and add a hatch for access.

Chairman made a motion to close the public hearing.

Roll call:

Ms. Pacitto: Yes
Mr. Catalana: Yes
Mr. Pierantozzi: Yes
Mr. Feaster: Yes
Mr. Stefano: Yes

Ms. Johnson: Yes
Mr. LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Mr. Catalana: Yes
Mr. Pierantozzi: Yes
Mr. Feaster: Yes
Mr. Stefano: Yes
Ms. Johnson: Yes
Ms. Pacitto: Yes
Mr. LoBiondo: Yes

Application granted.

Applicant- **HESP Solar, LLC**- 1045 E. Chestnut Avenue, Block 5004, Lot 7, Zone R-P, install solar canopy arrays over existing parking area.

The applicant was represented by Robert Simon, Esq. The applicant is seeking a use variance for the installation of solar canopies on an existing parking area. The height of the canopies will be 19.9' whereas a maximum of 15' is permitted. They will be installed in the parking lot of the rear of Bishop McCarthy Center on Chestnut Avenue. Solar energy has been deemed inherently beneficial. Bishop McCarthy is a healthcare facility and is also an inherently beneficial use.

Robert Moschello, Professional Engineer, testified on behalf of the applicant. Exhibit A-1, aerial photograph of the site dated October 17, 2018. Parking is to the rear of the property. The site consists of 9.84 acres and is surrounded by the R-3 zone. There is a retention basin at the rear of the property and trees along each side. Exhibit A-2, site plan dated October 17, 2018. There will be 1,338 solar panels on solar canopies. Each canopy is 19.9' high. The closest canopy is 540' from Chestnut Avenue. Exhibit A-3, construction detail of the canopies dated June 1, 2018. They are single sloping canopies and Y shaped canopies. There will be no impact on automobiles which can park under the canopies. All power generated will be used to service Bishop McCarthy. As requested by Planning, the dumpsters will be placed in a screen PVC enclosure. The applicant will add additional evergreen screening for two storage trailers located at the rear of the building. The existing light poles will be removed and 21 LED lights will be added to the canopies in the parking lot. Four shade trees will be removed and a row of trees in the rear will also be removed. Trees will be planted in the rear of the property. They will be Canadian Hemlocks and will grow 12 to 13' in height within 3 to 5 years.

Mr. Headley stated that he received complaints from residents and there is little or no screening on the east and south sides of the property. Screening was required by a prior site plan approval. The City will require a surety bond for private perimeter buffer. The applicant agreed to coordinate plantings with the Planning staff.

Mr. Moschello addressed Planning and Engineering reports. Planning Report, paragraph 9, the applicant is asking for a waiver. In the Engineering Report, paragraph 4, the applicant will

provide the plan to showing PVC closure around the trash containers. Paragraph 5, applicant will consult with Ryan Headley about plantings.

Peter G. Steck, Professional Planner, testified on behalf of the applicant. He submitted Exhibit A-4, photographs of the site. Solar panels are considered inherently beneficial. The surrounding area is developed with both residences and commercial uses. The City's Master Plan encourages renewable energy. There is no substantial detriment to the public good. There is no noise generated by the solar panels. The panels are located in the rear of the property and more trees will be planted. The zone permits structures up to 70' high and the panels are well below that height.

Debra Marko, member of the public, appeared in regard of the application. She indicated that she does not oppose the application but will like the trees that were promised previously to be planted.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Pierantozzi: Yes
Mr. Feaster: Yes
Mr. Stefano: Yes
Ms. Johnson: Yes
Ms. Pacitto: Yes
Mr. Catalana: Yes
Mr. LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Mr. Feaster: Yes
Mr. Stefano: Yes
Ms. Johnson: Yes
Ms. Pacitto: Yes
Mr. Catalana: Yes
Mr. Pierantozzi: Yes
Mr. LoBiondo: Yes

Application granted.

Applicant- **Ferreri Painting**- 1761 Almond Road, Block 2701, Lot 3, Zone I-2, establish a mixed use property with single family home and a painting contractor's yard for Ferreri Painting.

The applicant was represented by Michael Gruccio, Esq. The applicant is proposing a contractor's yard which is permitted in the zone. The use variance is required because there is an existing single family dwelling. The site was Pennington Paving since October 1968. In 2007, it changed from Pennington Paving to a public garage and then back to a contractor's yard. The property is approximately 4 acres. There are two garages and there is also the single family

dwelling. The single family dwelling has a certificate of occupancy and it is a pre-existing non-conforming use. The applicant intends to have an employee occupy the house.

Stephen L. Filippone, Professional Engineer, testified on behalf of the applicant. The applicant will bring the site up to ordinance standards. They will relocate the existing metal fence out of the sight triangle and it will be moved back 18'. There are two driveways. The driveway on the east side is used primarily for the residence. The other driveway is used for the contractor's yard. The pavement will be cleaned up and line striped for parking. The applicant is adding a buffer on the west side. As for the Engineering Report, paragraph 6, driveway on the east side is designed for the residence. The other driveway will be for the commercial use and have a flared driveway opening. Paragraph 8, applicant will square off areas of irregular layout of pavement. Paragraph 10, gate on Almond Road will be moved back 18'. As for the Planning Report, a waiver is requested for paragraph 5(a), driveway opening. Paragraph 5(c), applicant will move existing metal fence. Paragraph 8, will comply with bicycle parking. Paragraph 10(a), will comply with screening. Paragraph 10(b), waiver from providing sidewalks.

Mr. Gruccio indicated that there will be no trash stored outdoors. Paint will not be stored on site. Paint will delivered directly to job sites.

Mr. Frank Ferreri, Owner, testified on his own behalf. The garage will be used for the painting business. He may utilize the second garage to store automobiles.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Stefano: Yes

Ms. Johnson: Yes

Ms. Pacitto: Yes

Mr. Catalana: Yes

Mr. Pierantozzi: Yes

Mr. Feaster: Yes

Mr. LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Ms. Johnson: Yes

Ms. Pacitto: Yes

Mr. Catalana: Yes

Mr. Pierantozzi: Yes

Mr. Feaster: Yes

Mr. Stefano: Yes

Mr. LoBiondo: Yes

Application granted.

Applicant- **P.J. Gillespie, Inc.**- S. Main Road & Butler Avenue, Block 7111, Lots 21, 28, 29, Zone R-5, use variance and resubdivision approval for an easement and occupy air space.

The applicant was represented by Michael Fralinger, Esq. The application is for a use variance with a redivision. Exhibit A-1, color sketch of the redivision proposed. Lot 21 contains a single family dwelling. Lot 28 is the site of PJ Gillespie, Inc. The proposal is to convey .38 acres of lot 28 to lot 21, enlarging lot 21. PJ Gillespie is located on lot 28 and is a pre-existing non-conforming use. The reduction of lot 28 results in a technical use variance. The metal carport on lot 28 will be conveyed onto lot 21. No use changes are being proposed. There are two concrete pads that the applicant would like to remain.

Mr. Headley explained that there is a variance for impervious lot coverage of 20% whereas 15% is permitted.

Laura Sikking testified on behalf of the application. She and her husband own lot 21. The concrete pad on lot 28 encroaches on her lot about 7'. She would like to keep the concrete pad for storage.

Gina Bailey, testified on behalf of the application, She and her husband own lot 29. There is a concrete pad that encroaches onto her property 23'. She and her husband do not want the pad removed.

Chairman made a motion to close the public hearing.

Roll call:

Ms. Pacitto: Yes
Mr. Catalana: Yes
Mr. Pierantozzi: Yes
Mr. Feaster: Yes
Mr. Stefano: Yes
Ms. Johnson: Yes
Mr. LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Mr. Catalana: Yes
Mr. Pierantozzi: Yes
Mr. Feaster: Yes
Mr. Stefano: Yes
Ms. Johnson: Yes
Ms. Pacitto: Yes
Mr. LoBiondo: Yes

Application granted.

ADJOURN:

Mr. Catalana: Yes
Mr. Pierantozzi: Yes
Mr. Feaster: Yes
Mr. Stefano: Yes

Ms. Johnson: Yes
Ms. Pacitto: Yes
Mr. LoBiondo: Yes

Meeting adjourned at 10:31 PM

Yasmin Ricketts, Secretary
Zoning Board of Adjustment